

GOVERNMENT OF ANDHRA PRADESH
ABSTRSCT

Industrial Disputes Act, 1947 – Review Application made by the Management of Bio-Vaccine Private Limited, Mudimyal Village, Chevella Mandal, Ranga Reddy District for permission to close the industrial Unit – Rejected – Orders Issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (LAB.I) DEPARTMENT

G.O.Rt.No.2155

Dated:05-11-2008

Read the following:-

1. Application filed by the management of Bio-Vaccine Private Limited, dated 03-11-20006.
2. G.O.Rt.No. 2833 Dated:29-12-2006 of the Labour, Employment, Training and Factories Department.
3. Review Application of the management of Bio-Vaccine Private Limited, dated 08-01-2007.
4. Letter No. 265/Lab.1/A1/2007-3, Dated 16-08-2007.
5. Orders of the Hon'ble High Court of Andhra Pradesh dated: 13-06-2008 in W.P. No. 9471/2008.
6. From the management of Bio-Vaccine Private Limited, Letter dated: 23-8-2008 and dt:29-9-2008 addressed to Commissioner of Labour, Hyderabad.
7. From the Commissioner of Labour Lr.No.L3/16604/2006, Dated: 17 /10/2008.

ORDER:

Whereas the Management of Bio-Vaccine Private Limited, Mudimyal Village, Chevella Mandal, Ranga Reddy District made an application for permission to close their industry under sub section (1) of section 25 (O) of the Industrial Disputes Act, 1947 in the reference 1st read above and where as the Government refused to grant permission in the reference 2nd read above.

And whereas the Management of Bio-Vaccines Private Limited filed a review application vide reference 3rd read above and that review application was rejected vide Government letter in the reference 4th read above.

And whereas, aggrieved by that order, the Management approached the Hon'ble High Court, A.P. who inturn has passed orders in W.P.9471/2008 on 13-06-2008 setting aside the impugned orders

dated: 16-08-2007 and directing the respondent i.e., the Government to pass appropriate orders in the matter after taking into consideration the review application filed by the petitioner, i.e., the Management of Bio-Vaccines Private Limited.

And whereas, the Commissioner of Labour has fixed a hearing with the Management of Bio-Vaccine Private Limited and the unions operating in the industry on 29-09-2008.

And whereas, the Management did not attend the hearing but sent a letter read in the reference 6th above reiterating their earlier stand and whereas the union opposed closure of the Industry.

And where, as the Commissioner of Labour submitted a report in the reference 7th read above stating that review application filed by the Management on 08-01-2007 and the contentions raised by the Management in their letter dated 29-09-2008 are carefully examined and considered with reference to the provisions under Section 25 (O) of the I.D. Act, 1947. It is clearly evident that the management did not make any efforts to relocate the industry as per the directions of the Pollution Control Board nor installed/ utilized the equipment to control the effluents. It appears that the management intended to take the directions of the Pollution Control Board as a reason/excuse to close the establishment. The management instead of taking the remedial measure as per the directions of the Pollution Control Board is trying to blame the Electricity Board's action of disconnection as a reason for their closure. It is observed that the management is not sincere in their approach in this matter. **The management failed to convince the genuineness and adequacy of the reasons stated in their application and review application with statistical data.** The factory has been in operation for the last 30 years. The management should take steps to comply with the directions of the A.P. Pollution Control Board. The closure of the factory is not justified on just pollution issue and it may adversely affect the public interest and also the interest of workmen, who have put in more than two decades of service.

And whereas, the Government after meticulous examination of the report of the Commissioner of Labour, Hyderabad have come to the conclusion to reject the review application of the Management of Bio-Vaccines Private Limited, Chevella, Ranga Reddy District filed in the reference 3rd read above.

Now therefore in exercise of the powers conferred under sub-section (5) of section 25 (O) of the Industrial Disputes Act, 1947, the Government have reviewed the earlier orders issued in the G.O. 2nd read above keeping in view of the judgment of A.P High Court in W.P.No. 9471/2008 dt:13-6-2008 and hereby reject the review application made by the management of Bio-Vaccines Private Limited to grant permission to close their industrial Unit at Mudimyal Village Chevella Mandal, Ranga Reddy District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

BHANWAR LAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Managing Director,
Bio-Vaccines Private Limited,
Mudimyal Village, Chevella Mandal,
Ranga Reddy District.

Copy to:

The Commissioner of Labour,
Andhra Pradesh, Hyderabad.
P.S to Principal Secretary to Government, L.E.T.& F. Deptt.,
P.S. to Minister (L.E.T. & B.)
Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER